

United States District Court
for the
Southern District of New York

U.S. BANK TRUST, N.A., AS TRUSTEE)
FOR LSF8 MASTER PARTICIPATION
TRUST

Plaintiff

v.

ANGELIQUE REALI, PAUL REALI,
COMMISSIONER OF THE DUTCHESS
COUNTY DEPARTMENT OF SOCIAL
SERVICES, INTERNATIONAL
FIDELITY INSURANCE COMPANY

) Civil Action No. 17-CV-08140
)
)
)
) ORDER VACATING DEFAULT
JUDGMENT OF FORECLOSURE AND
SALE, VOLUNTARILY DISMISSING
COMPLAINT AND CANCELLING THE
NOTICE OF PENDENCY
)
)
)
)
)

Defendant(s)

Before the Court is Plaintiff's motion to voluntarily dismiss the Complaint pursuant to Fed. R. Civ. P. § 41(a)(2), vacate the Default Judgment of Foreclosure and Sale pursuant to Fed R. Civ. P. § 60(b), and cancel the Notice of Pendency of Action pursuant to N.Y. C.P.L.R. § 6514(a). The action was commenced by filing of the Summons and Complaint on October 23, 2017, copies of which were served on the Defendants. The Defendants failed to answer, appear or motion with respect to the Complaint and defaulted. On April 26, 2018, the Court granted the Plaintiff default judgment pursuant to Fed. R. Civ. P. § 55(b)(2) and a Judgment of Foreclosure and Sale pursuant to N.Y. R.P.A.P.L. § 1351 and § 1354. Thereafter, the Plaintiff entered into a loan modification agreement with the Defendants, which settled the case and nullified the Judgment of Foreclosure and Sale. On these grounds, it is hereby:

ORDERED, ADJUDGED AND DECREED, the Plaintiff's motion is granted; and it is further

ORDERED, ADJUDGED AND DECREED, the Default Judgment of Foreclosure and Sale entered on April 26, 2018 is vacated pursuant to Fed. R. Civ. P. § 60(b); and it is further

ORDERED, ADJUDGED, AND DECREED, the Referee who was appointed to sell the property at public auction pursuant to the Judgment of Foreclosure and Sale, Christopher B. Meagher Esq., is discharged and relieved of any and all obligations and requirements thereunder; and it is further

ORDERED, ADJUDGED, AND DECREED, that pursuant to N.Y. C.P.L.R. § 6514(a), the County Clerk of Dutchess County is directed, upon payment of proper fees, if any, to cancel and discharge a certain Notice of Pendency filed in this action on the October 30, 2017 and in the Office of the Clerk of the United State District Court for the Southern District of New York, and any other filing against the property known as 34 HACKENSACK, WAPPINGERS FALLS, NY 12590, and said Clerk is hereby directed to enter upon the margin of the record of the same a Notice of Cancellation referring to this Order.

SO ORDERED:

Dated: White Plains, New York
August 30, 2023



Judge Nelson S. Roman
United States District Court for the Southern
District of New York